

Serial No.: 10/033,435
Filed: December 27, 2001
Reply to Office Action of May 27, 2003

REMARKS

Claims 35-46 were pending for prosecution in this application. Applicants have herein amended Claim 35 and have canceled Claims 41-46, wherein the cancellation of Claims 41-46 is not intended to be interpreted as an acquiescence in the Examiner's argument supporting the rejection of those claims. It is believed that these claim amendments and cancellations render the remaining claims allowable and it is, therefore, respectfully requested that these amendments after final rejection be entered and the application passed to issue.

Applicants note that the present Office Action was mailed to "Ginger R. Dreger", who previously had a power of attorney to prosecute this application. Applicants additionally note, however, that on April 28, 2003 a new "Power of Attorney by Assignee" document was filed herein that revoked all previous powers of attorney and requested that all further correspondence with regard to this application be directed to the undersigned attorney at Genentech, Inc, 1 DNA Way, MS 49, South San Francisco, CA 94080. Applicants respectfully request clarification as to whether this new power of attorney document was received and made of record in this application, as the present Office Action was forwarded to the incorrect mailing address, resulting in a delay in Applicants ability to respond in a timely manner.

Applicants note with appreciation the allowance of Claims 38-40.

Claim Objections

The objection to Claim 41 has been obviated as a result of the cancellation of that claim herein.

The Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 35-37 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In response, Applicants have herein amended Claim 35 as suggested by the Examiner, thereby obviating the rejection and removing the unintended interpretation of Claim 35 as encompassing any polypeptide that comprises a methionine residue.

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The Rejection under 35 U.S.C. § 112, First Paragraph

Claims 35-37 and 41-46 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

With regard to Claims 41-46, the rejection has been obviated by the cancellation of those claims herein.

With regard to Claims 35-37, Applicants have herein amended those claims as suggested by the Examiner to remove the unintended interpretation of Claim 35 as encompassing any polypeptide that comprises a methionine residue. As the present rejection of Claims 35-37 is based upon this unintended interpretation of those claims, the present amendment of Claim 35 is believed to obviate the present rejection under 35 U.S.C. § 112, first paragraph.

The Rejection under 35 U.S.C. § 102(b)

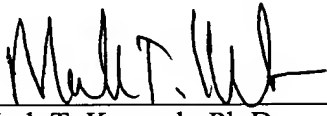
Claims 35-37 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tang et al. The Examiner indicates that this prior art rejection is based upon the interpretation of Claim 35 as encompassing any polypeptide having a methionine residue. As Applicants have herein amended Claim 35 to remove this unintended interpretation, it is believed that the rejection has been overcome.

In light of the above amendments and remarks, Applicants believe that this application is now in condition for immediate allowance and respectfully request that the outstanding rejections be withdrawn and this case passed to issue.

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The Examiner is invited to contact the undersigned at (650) 225-4461 if any issues may be resolved in that manner.

Respectfully submitted,
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